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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: MESSINA

Serial No.: 10/810929

Group No.: 2129

Filed: 26 March 2004

Examiner: Bharadwaj, Kalpana

For: **COMPUTER-BASED SYSTEM AND COMPUTER PROGRAM
FOR INTERROGATING A USER AND GENERATING A RESULT
BASED UPON THE USER'S INTERROGATORY RESPONSES**

SUPPLEMENTAL DECLARATION OF PRIOR INVENTION
IN THE UNITED STATES UNDER 37 C.F.R. 1.131

The inventor of the subject matter of the above-identified patent application hereby makes this Supplemental Declaration in order to establish completion of his invention in the United States prior to 29 March 2002, the effective date of US Published Application 2003/0198934, cited by the examiner.

I, Edmund Messina, inventor of the subject matter claimed and described in the above-identified patent application, declare as follows:

1. Prior to 29 March 2002, the invention of at least claims 1, 2, 4, 8, 9, 10, 11, 13, 17, 18 and 19 of the above-identified application was reduced to practice and had, at that time, specific and substantial utility in the form of at least the ability to generate a medical history report. Furthermore, the utility of medical history reports was well established in the medical community, and would have been recognized as being so by one of ordinary skill in the art.

2. Evidence of such reduction to practice and utility is set forth herein, as well as in my Declaration of Prior Invention dated 6 June 2008 and previously submitted to the USPTO in connection with the above-referenced application.

3. The above-referenced application discloses and claims a computer-based system and computer program for interrogating a user and generating a result based upon the user's interrogatory responses. The written specification of my said application indicates specific utilities for such a system and program, including, without limitation, generating reports, for instance medical history

reports, generating a medical diagnosis, generating individualized video presentations, etc. See p. 2, lines 1-9.

4. In my said declaration of 6 June 2008, evidence in the form of screenshots (shown as they existed prior to 29 March 2002) were provided, the screenshots (see Screenshots 1-4) depicting from the invention as it then existed a series of graphical user interface screens presenting questions for a user to answer as part of a medical history interrogation in connection with one of an annual physical, providing a general neurology background, or for more specific treatment at a headache clinic (Screenshot 1). Each such screenshot self-evidently depicts the presentation to a user of a plurality of predefined questions pertaining to the generation of a medical history, including: "For what reason are you taking this history?" (Screenshot 1); "What types of headache controlling meds have you ever used?" (Screenshot 2); "Which of the following over-the-counter meds have you been using?" (Screenshot 3); and "Which prescription headache medications have you been using?" (Screenshot 4). These screenshots further self-evidently show that the user (i.e., the patient) was presented with associated, predefined answers (i.e., "over the counter analgesics (pain killers)" and "prescription pain killers") in connection with "yes" or "no" answer boxes in each screenshot.

5. The Invention as it existed prior to 29 March 2002, was operative to generate a result in the form of a medical history report based upon the user's answers to the interrogatory questions presented (such as the questions identified in Paragraph 3, above, and in my said prior Declaration). This is further evidenced from Paragraph 6 of my said 6 June 2008 Declaration in regards to Screenshots 8-12. More particularly, that portion of my said Declaration evidences the generation of a textual report comprised of a user's (in the specific example, a patient's) answers to questions about his/her age and blood pressure.

6. At the time of the invention, the utility of a patient's medical history was well established in the medical community, and would have been recognized as being so by one of ordinary skill in the art.

7. In addition to the foregoing, I wish to amend certain statements contained in my said 6 June 2008 Declaration in Support of Prior Invention. More particularly, I wish to point out that, prior to 29 March 2002, the subject invention was not yet capable of interrogating a user in respect of the Epworth sleepiness scale, nor of generating an Epworth sleepiness scale report. Any suggestion to the contrary contained in the statements of my said Declaration at Paragraph 6, or elsewhere in that Declaration, is hereby repudiated. The foregoing notwithstanding, the Screenshots 6 and 7 from my said Declaration of 6 June 2008 are otherwise representative of the inventive program and system's interface as it existed prior to 29 March 2002 (less the "Epworth sleepiness scale-related content). Furthermore, it is submitted that the content of Screenshots 6 and 7 which was as it existed prior to 29 March 2002, taken together with the balance of my statements from Paragraph 6 of my said Declaration, are sufficient evidence of my prior invention of a computer database comprising "content and rules for generating at least one report based upon a user's answers to questions presented at the user interface, the content and rules having a predefined relationship with the plurality of predefined questions and answers of the database so that the content of the at least one report is dependent upon a user's answers to questions from the database, and wherein further the engine is operative to generate from the reporting database at least one report using the content and rules from the database," all as recited in claims 2 and 11 of my above-referenced application. And, in fact, this was the case.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I further declare that the statements herein are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of my above-identified patent application or any patent issued thereon.

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Edmund Messina MD

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Signed,



Edmund Messina

Country of Citizenship:

USA

Residence:

Haslett, Michigan

Post Office Address:

1206 Woodwind Trail,
Haslett, MI 48840

Dated: 19 November 2008